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Attorneys for Defendants FUNimation Productions, Ltd.
d/b/a FUNIMATION Entertainment and Gen Fukunaga

**IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NICHOLAS LYON, an individual.

Plaintiff,

VS.

FUNIMATION PRODUCTIONS, LTD,
dba FUNIMATION ENTERTAINMENT;
AMERICAN UNITED MEDIA, LLC, dba
IFA DISTRIBUTION; ROBERT
RODRIGUEZ, as an Individual; GEN
FUKUNAGA, as an Individual; GIANT
APE MEDIA; BULLET FILM
PRODUCTION COMPANY, LLC, and
DOES 1 through 50.

Defendants.

CASE NUMBER: SACV 13-1322
MWF (AJWx)

**DEFENDANT BULLET FILM
PRODUCTION COMPANY, LLC'S
NOTICE OF JOINDER AND
JOINDER IN FUNIMATION
PRODUCTIONS, LTD D/B/A
FUNIMATION ENTERTAINMENT
AND GEN FUKUNAGA'S NOTICE
OF MOTION AND CORRECTED
MOTION TO DISMISS;
MEMORANDUM OF POINTS AND
AUTHORITIES FED. R. CIV. P.
12(b)(1)-(6), 9(b), AND THE FIRST-
FILED DOCTRINE**

Judge: Hon. Michael W. Fitzgerald
Date: November 4, 2013
Time: 9:00 a.m.
CTRM: 1600 – Sixteenth Floor
Trial Date: None Set

1 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that on December 9, 2013, at 10:00 a.m., or as soon
3 thereafter as counsel may be heard in the above-titled referenced matter, Defendant Bullet
4 Film Production Company, LLC (“Bullet LLC”), subject to any and all procedural and
5 jurisdictional defenses, will and hereby does join in FUNimation Productions, Ltd. d/b/a
6 FUNimation Entertainment and Gen Fukunaga’s (collectively, “Defendants”) Notice of
7 Motion and Corrected Motion to Dismiss to be heard on the above-noted date before the
8 Honorable Michael W. Fitzgerald, United States District Judge, in Courtroom 1600 of the
9 United States District Court for the Central District of California, located at 312 N. Spring
10 Street, Los Angeles, California 90012, seeking dismissal of Plaintiff’s complaint.

11 Defendant Bullet Film Production Company, LLC fully adopts and incorporates, as if
12 made herein, all of the arguments set forth in Defendants’ Notice of Motion and Corrected
13 Motion to Dismiss and accompanying Memorandum of Points and Authorities pursuant to
14 Federal Rules of Civil Procedure 12(b)(1)-(6), 9(b), and the first-filed doctrine on the
15 grounds that (1) the same substantive issues that are pending before this Court are pending
16 in the first-filed case pending in the United States District Court for the Eastern District of
17 Texas; (2) this Court lacks subject matter jurisdiction over this action; (3) the Court lacks
18 personal jurisdiction over Bullet LLC and Defendants; (4) this forum is an improper venue
19 as all claims are committed exclusively to arbitration in Galveston, Texas; and (5) the
20 complaint fails to state a claim for which relief can be granted.

1 Dated: November 7, 2013

Respectfully submitted,

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3 **JONES WALKER LLP**

4 Lauren J. Harrison

5 **NESBITT & NESBITT, LLP**

6 Paul B. Nesbitt

7 By: /s/ Paul B. Nesbitt

8 Paul B. Nesbitt, Esq.

9 Attorneys for Defendants

10 FUNimation Productions, Ltd. d/b/a

11 FUNimation Entertainment, Gen Fukunaga,
12 and Bullet Film Production Company, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of November, 2013, a true and correct copy of the foregoing instrument was forwarded to counsel for Plaintiff via CM/ECF, and/or electronic mail, and/or certified mail, return receipt requested, postage prepaid and properly addressed as follows:

Patricia A. Kinaga

Drew Alexis

Daniel Ho

Woo Jean Chung

KINAGA LAW FIRM

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Attorney for Nicholas Lyon

/s/ Paul B. Nesbitt

PAUL B. NESBITT